

# Drowsy Driving

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Arkansas District 35

# The National Highway Traffic Safety Administration

NHTSA Conservatively estimates 100,000 police-reported crashes are the direct result of driver fatigue each year. This results in an estimated:

- 1,550 deaths,
- 71,000 injuries, and
- \$12.5 billion in monetary losses.

These figures may be the tip of the iceberg, since currently it is difficult to attribute crashes to sleepiness.

# Who is at risk?

- Sleep related crashes are most common in young people, especially men, adults with children and shift workers.
- Nearly three-quarters of adults in America (71%) drive a car to and from work, and many are drowsy drivers, according to NSF's 2001 Sleep in America poll. More than one-fourth of these respondents (27%) said they have driven drowsy to or from work at least a few days a month, 12 percent drove drowsy a few days a week, and four percent said they drove drowsy every day or almost every day.
- Sleep deprivation and fatigue make lapses of attention more likely to occur, and may play a role in behavior that can lead to crashes attributed to other causes.

# Drowsy Driving Crashes

## High Personal and Economic Costs

- Several drowsy driving incidents have resulted in jail sentences for the driver.
- Multi-million dollar settlements have been awarded to families of crash victims as a result of lawsuits filed against individuals as well as businesses whose employees were involved in drowsy driving crashes

# Arkansas – SB874 / Act 1296 / §5-10-105

SECTION 1. Arkansas Code § 5-10-105 is amended to read as follows:

5-10-105. Negligent homicide.

(a)(1) A person commits negligent homicide if he or she negligently causes the death of another person, not constituting murder or manslaughter, as a result of operating a vehicle, an aircraft, or a watercraft:

# Arkansas Legislation - Code § 5-10-105

- (A) While intoxicated;
- (B)(i) If at that time there is an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood based upon the definition of breath, blood, and urine concentration in § 5-65-204, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance.
- (ii) The method of chemical analysis of the person's blood, urine, or breath shall be made in accordance with §§ 5-65-204 and 5-65-206; or
- (C) While passing a stopped school bus in violation of § 33 27-51-1004; or
- (D) While fatigued.

# Arkansas Legislation - Code § 5-10-105

- (2) A person who violates subdivision (a)(1) of this section upon conviction is guilty of a Class B felony.
- (b)(1) A person commits negligent homicide if he or she negligently causes the death of another person.
- (2) A person who violates subdivision (b)(1) of this section upon conviction is guilty of a Class A misdemeanor.
- (c) As used in this section:
  - (1)"Fatigued" means:
    - (A) Having been without sleep for a period of twenty-four (24) consecutive hours; or
    - (B) Having been without sleep for a period of twenty-four (24) consecutive hours and in the state of being asleep; and

# Changes in Senate Bill – Fatigued Definition

- Arkansas Senate Bill 874 of 2013 / **Act 1296 of 2013**
  - (A) Having been without sleep for a period of twenty-four (24) consecutive hours; or
  - (B) *Having been without sleep for a period of twenty-four (24) consecutive hours and in the state of being asleep*



# State Legislative Approach

- One of the most effective methods of proposing and passing state legislation on any issue is to utilize model statutes that can be endorsed by stakeholders and proposed on a state by state basis.
- If NHTSA and other stakeholders can agree on model statute ideas, a national effort to educate state legislators in all 50 states could begin to occur in early 2016.

# How to formulate a state approach?

- National Conference of Insurance Legislators
  - [www.ncoil.org](http://www.ncoil.org)
- National Association of Insurance Commissioners
  - [www.naic.org](http://www.naic.org)
- State Insurance Commissioners
- Law Enforcement Associations
- Insurance Industry Advocates
- Legislative Policy Organizations

*Safer drivers. Safer cars. Safer roads.*



# Senator Jason Rapert

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